

Application No. 09/869,282  
Amendment dated October 21, 2010  
Reply to Office Action of June 22, 2010

**AMENDMENTS TO THE CLAIMS:**

1-236. (Canceled)

237. (Currently amended) A delivery device for delivering a marking device to a target site, said delivery device comprising:

an elongate member having a distal portion and a proximal portion with a lumen extending between the distal and proximal portions, said distal portion of said elongate member configured to seat the marking device and advance the marking device with said distal portion to the target site;

an ejector coupled to said elongate member, said ejector configured to disengage the marking device from said distal portion;

a marking device preloaded in said elongate member distal portion, for delivery through the lumen ~~cannula~~;

wherein said marking device comprises a first component and a second component, the first component is a bioabsorbable suture-type material and the second component is a ~~marker formed from~~ a unitary piece of metal forming a marker, wherein the second component is carried by the first component.

238. (Currently amended) The delivery device of claim 237, wherein the first component includes multiple passes of the suture-type material forming a body.

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239. (Previously presented) The delivery device of claim 237, wherein the first component is flexible.

240. (Previously presented) The delivery device of claim 237, wherein the second component is made from titanium.

241. (Previously presented) The delivery device of claim 237, wherein the second component is formed in a shape other than a sphere.

242. (Currently amended) The delivery device of claim 237, wherein the suture-type material of the first component is bent.

243. (Currently amended) The delivery device of claim 237, wherein the lumen of the elongated member includes internal walls and the first component is resilient and in contact with the internal walls when preloaded within the elongate member.

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244. (Currently amended) A marking device comprising:

a first component being a bioabsorbable suture-type material;

a second component being a ~~marker formed from~~ a unitary piece of metal forming a marker; and

wherein the first component includes multiple passes of the suture-type material forming a body with the second component carried therein.

245. (Previously presented) The marking device of claim 244, further including a delivery device having an elongate member with a lumen.

246. (Previously presented) The marking device of claim 244, wherein the first component is flexible.

247. (Previously presented) The marking device of claim 244, wherein the second component is made from titanium.

248. (Previously presented) The marking device of claim 244, wherein the second component is formed in a shape other than a sphere.

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249. (Currently amended) The marking device of claim 244, wherein the suture-type material of the first component is bent.

250. (Currently amended) A marking device comprising:  
a delivery device having an elongate member with a lumen;  
a first component being a bioabsorbable suture-type material;  
a second component being ~~a marker formed from~~ a unitary piece of metal forming a marker; and  
wherein the first component includes multiple passes of the suture-type material forming a body with the second component carried therein.

251. (New) The delivery device of claim 237, wherein the first component is flexible to facilitate expansion thereof when delivered to the target site.

252. (New) The marking device of claim 244, wherein the first component is flexible to facilitate expansion thereof when delivered to the target site.

253. (New) The marking device of claim 250, wherein the first component is flexible to facilitate expansion thereof when delivered to the target site.

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254. (New) The delivery device of claim 237, wherein the first component is echogenic.

255. (New) The marking device of claim 244, wherein the first component is echogenic.

256. (New) The marking device of claim 250, wherein the first component is echogenic.

257. (New) A biopsy marking apparatus for marking a target site within the breast, the apparatus comprising:

a delivery device having an elongate member with a lumen;

an echogenic body comprising a bioabsorbable material, the echogenic body configured to allow tissue to regrow from one side of the body through to the other side; and

a radiopaque marker carried within the echogenic body, the marker having a recognizable shape distinguishable from calcifications;

wherein the echogenic body is disposed within the lumen of the delivery device and deployable from the delivery device to the target site.

258. (New) The biopsy marking apparatus of claim 254 wherein the echogenic body configure to expand when delivered from the delivery device to the target site.

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259. (New) The biopsy marker apparatus of claim 254 wherein the echogenic body comprises a material selected from the group consisting of polyglycolide, PGA, polylactide, PLA, poly  $\epsilon$ -caprolactone, polydioxanone, polylactide-co-glycolide, block or random copolymers of PGA and PLA.

260. (New) The biopsy marker apparatus of claim 254 wherein the body is formed of a suture material.